

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND**

JOHN R. LAY, #1084578	:	
Petitioner	:	
v.	:	Civil Action No. L-11-1178
STATE OF MARYLAND	:	
Respondent	:	

**MEMORANDUM**

John R. Lay (“Lay”) moves to compel the State of Maryland to provide him with transcripts of his criminal trial to prepare a federal habeas corpus petition. The motion requests relief in the nature of mandamus and will be so construed and dismissed.

Under 28 U.S.C. § 1361, federal district courts have original jurisdiction of any action in the nature of mandamus to compel an officer or employee of the United States or one of its agencies to perform a duty owed to a petitioner. Federal district courts, however, have no mandamus jurisdiction over state employees, see Gurley v. Superior Court of Mecklenburg County, 411 F.2d 586, 587 (4th Cir. 1969), or private citizens, see e.g. In re Razzoli, 161 Fed. Appx. 203 (3d Cir. 2006). To the extent Lay seeks mandamus relief in regard to his counsel, a private citizen, there is no jurisdiction to order mandamus relief. A separate Order consistent with this Memorandum follows.

May 10, 2011

/s/

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Benson Everett Legg  
United States District Judge